

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DE MIN GU,

Plaintiff,

-against-

U.S. DEPARTMENT OF EDUCATION,
MOHELA,

Defendant.

23-CV-6142 (LTS)

ORDER DENYING REQUEST
FOR *PRO BONO* COUNSEL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*, seeking to have Defendant process and grant her application for public service loan forgiveness. Plaintiff filed her complaint with a request for *pro bono* counsel. (ECF No. 3.) For the following reasons, Plaintiff's application is denied without prejudice to renewal later date.

The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention." *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, Plaintiff's request for counsel is denied without prejudice to renewal at a later date.

CONCLUSION

Plaintiff's request for counsel (ECF No. 3) is denied without prejudice to renewal at a later date.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 1, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge